



Mr Tom Winsor WS
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29 October 2010

Dear Tom,

Re: Review of Remuneration and Conditions of Service for Police Officers and Staff – Call for Evidence

Thank you for the opportunity of responding to your Review. The Association of Chief Police Officers (ACPO) will be responding with its position on the key principles associated with your Review, but given the differences in status between British Transport Police (BTP) and Home Office and Scottish police forces, and having considered your example questions, I have set out some of the key points specifically in relation to BTP.

BTP has not adopted the national Police Regulations in full; however, the position is that it mirrors the Police Negotiating Board (PNB) regulations for the core terms and conditions of police officers, and BTP's own Police Regulations. Significant differences exist in the areas of pensions (reflecting BTP's railway heritage); deployment and re-deployment of officers; and redundancy and resettlement (which reflects a combination of historical and geographic factors). BTP therefore has an essential interest in the outcome of the independent review.

BTP has unique characteristics which make it distinct from Home Office and Scottish police forces. It is a national specialist force for policing the railways and its jurisdiction covers England, Wales and Scotland. The British Transport Police Authority (BTPA) was established under the Railways, Transport and Safety Act 2003 (RTSA), it is a non-departmental public body (NDPB) which is sponsored by the Department for Transport (DfT). BTP is funded under the 'user pays' principle through statutory Police Service Agreements (PSA) with Network Rail (NWR), Transport for London (TfL), train and freight operating companies (TOCs and FOCs). It currently receives an annual capital grant from the DfT.

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BTP officers have all the powers and privileges of a constable while on the rail networks and associated property (defined by section 31 of the RTSA 2003). Through its partnership working with the rail industry BTP prides itself in its diverse use of resources to deliver policing services which include accredited security staff, revenue protection officers, travel safe officers, police community support officers (PCSO) and police officers. BTP's experiences of using a mixed economy of resources to protect and serve the railway community has demonstrated the necessity of the contribution of warranted officers and therefore strongly endorses the ACPO support for the preservation of the 'office of constable' as being constitutionally important.

BTP police staff (including PCSOs) have bespoke terms and conditions which were substantially revised in 2010 to address, among other things, internal anomalies, market positioning, payment of overtime and potential equal value issues. There are no linkages to national Police Staff Council arrangements or those of other forces (beyond establishing relevant benchmarks for comparative pay and benefits determination). BTP does not envisage significant structural changes to these arrangements in the near future and this consultation response reflects this position.

In relation to entry routes BTP supports the ACPO position in favour of maintaining the current single entry point arrangements. With some 35% of young people leaving education being graduates, BTP is not convinced by the arguments that an additional specific graduate scheme is needed. There is a need to maintain, and wherever possible enhance the calibre and standard of those joining the police service, while continuing to invest in developing the talent of existing staff given that in future the scope to recruit will be severely limited in any event.

With reference to Special Constables BTP considers that beyond endorsement of the principle, and some promotional support, improving the recruitment and retention of Special Constables should be a local force responsibility. BTP's experience of its sponsored specials scheme within the rail industry provides evidence that recruitment can be increased by developing employer supported schemes, for example, through a company allowing their employees time off to become specials and possibly contributing to training costs. Further increases in the recruitment of Special Constables for the police service may be possible by developing enhanced links within the voluntary sector (and through this accessing unexplored recruitment pools); utilising existing community links, e.g. Police and Community Teams (PACT) and other Police Advisory Groups (NIAG IAG) to promote recruitment.

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Serving as a Special Constable prior to an application to join the police service has obvious attractions – introducing candidates to policing in a structured but low cost manner; ensuring applicants demonstrate a real commitment to policing and develop a good understanding of what is required before they apply for a probationer role; providing an opportunity for employers to gauge suitability in an operational setting and reduce attrition rates; and boosting the recruitment pool of Special Constables, resulting in more warranted officers being available for deployment. All that said BTP does not favour using the Special Constable route as the only source of entry for future recruits.

In terms of general deployment and working outside core hours, the requirement for the publication of rosters months in advance (coupled with overtime costs) is considered an impediment to the flexible and responsive deployment of officers. BTP considers rosters should provide the most flexible workforce possible in order to allow the deployment of resources to address crime trends and incidents without incurring unnecessarily high overtime payments. While the perceived advantage of the requirement to publish three months in advance was that officers are more able to plan their life with a degree of certainty, the reality often is that so many changes are made to posted rosters once published, they immediately become unrealistic. The administrative burden and associated bureaucracy around re-rostering changes causes duplication of effort and activity which is an obvious disadvantage. BTP favours a simplification of overtime regulations based on an agreed multiplier for any additional hours worked.

In relation to shifts, BTP supports the view that the 24/7 nature of policing reflected through police officers working through a full range of shifts should be remunerated differently to those officers working more restricted and less disruptive working arrangements.

With reference to the remuneration of Special Constables BTP considers that even if this was limited it would change their status from unpaid employee (volunteer) to paid employee. BTP suggests that the Review will need to be cognisant of the broader issues which arise if Special Constables move from volunteer to employee status. Even if remuneration was 'limited' it is difficult to envisage paying less than the minimum wage; there will be more formal arrangements required for holiday, sickness, etc (and indeed all those entitlements that employee status brings that non employee status does not)..

Turning to performance or post related pay (PRP) while BTP favours the ability to recognise good performance it is important to make a preliminary point about what

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the call for evidence refers to as 'performance or post related pay'. BTP's view is that the pay for a particular post should be set by reference to the duties and responsibilities of the role. This should be determined by open and transparent means so that work rated as being of equal value is rewarded on the same rank, band or grade. If an individual does well at their job, their individual performance is strong, or their particular contribution to how the job is carried out excellent, it is this that should be considered for additional recognition.

BTP's experience with individual PRP applied in a police staff context has not been positive. Much of many individual's work is team based, requiring close collaboration with others, that good performance may be put at risk if too much emphasis is placed on individual or personal targets. Introducing some element of performance assessment into police officer progression through their rank seems a sensible objective for the short term; together with formalising the facility to award bonuses. BTP does not see the need for different systems to apply at different ranks.

In relation to recognising skills and hard-to-fill posts BTP does not believe that Special Priority Payments (SPP) have been universally effective, indeed BTP's experience is that it has been divisive. As a general rule, BTP considers allowances should be rationalised with a view towards a reduction in the number of allowances payable within what must be an easy to administer process. As far as the pay scales themselves are concerned, the current incremental scales are effective and easy to apply and comply with equalities legislation.

With regard to the requirement for regular fitness testing of police officers BTP's position is fitness in some roles is a demonstrable occupational requirement and will be subject to risk assessment and therefore would be selective. Therefore a shift from 'with cause' to 'routine' testing for operational police officers and staff is a significant step with implications in terms of bureaucracy and cost.

In respect of exit routes and pensions, BTP has redundancy schemes for both police officers and staff. For police officers the scheme reflects BTP's rail heritage, being based on former rail national agreements on pay and conditions, and national policing role. In the past reorganisations have been managed on a voluntary basis. Even where use of the scheme has been contemplated in terms of police officers, it rarely if ever passes the value for money test. BTP considers having a national scheme is essential, given the scale of re-structuring/reduction in strength that has to be achieved across the police service. Any such scheme must balance value for money and flexibility while having safeguards which recognise the loyalty and commitment expected of staff.

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Retired police officers are a valuable resource, providing a pool of experience and expertise that is available to forces at low marginal cost (i.e. the pension is being paid anyway). The police service cannot be immune to the reality that the UK population is aging (a third of UK workers will be aged over 50 by 2020) and that people will have longer working lives. Recent Government announcements to increase the state retirement age and remove the default/normal retirement age set a pattern that eventually all employers will have to recognise. BTP's compulsory retirement age is 60 for police officers, and to not recruit someone on the basis that they have previously retired would contravene age discrimination legislation.

Regarding the example question on pay machinery, BTP does not envisage a change to its governance, with the BTPA continuing to adopt Police Regulations and involve BTP's Federation in the negotiating process. Whether or not PNB (or an equivalent collective bargaining body) is retained or is replaced by a pay review body, BTP envisages continuing to be one step removed from a direct involvement in this work. In summary no change is envisaged to the way police officer pay is currently determined in BTP.

As a national force, BTP favours a national framework of pay and conditions for officers however acknowledges that the regional determination of pay may have its attractions for geographic forces given the imperative to contain costs and reflect the communities they serve.

BTP does not favour the creation of a single framework for both officers and staff as the disruption and potential costs of such a significant change can be justified at this time.

An area not included in the consultation questions but being considered by ACPO is a review of the rank structure and management ratios within the police service. BTP's position is that it is currently benchmarking its management ratios against Home Office and Scottish police force ratios as well as other private sector and industry comparators where appropriate. At this early stage, BTP considers that all posts should be reviewed without necessarily specifying particular ranks to be removed.

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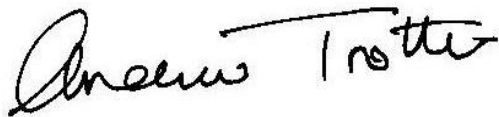
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I hope you find this response of assistance in your Review, if you or your team have questions or wish to clarify any of the information above, please contact Chief Superintendent Peter Zieminski on 020 7887 6893 or by email on Peter.zieminski@btp.pnn.police.uk

Yours sincerely,



**Chief Constable
Andrew Trotter OBE QPM**